

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 411, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 3, after "Sec. 8.7." insert "(a)".
- 2 Page 1, between lines 5 and 6, begin a new paragraph and insert:
- 3 **"(b) This section expires December 31, 2005."**
- 4 Page 2, line 15, delete "," and insert "**or (d),**".
- 5 Page 2, between lines 22 and 23, begin a new paragraph and insert:
- 6 **"(d) This subsection applies to an optical scan ballot card voting**
- 7 **system that does not list the name of a candidate on the ballot**
- 8 **card. The name of each candidate who has qualified under IC 3-8**
- 9 **shall be placed on the ballot and indicated by reference to a**
- 10 **number printed on the optical scan ballot card."**
- 11 Page 2, line 23, delete "(d)" and insert "(e)".
- 12 Page 3, line 2, after "column." insert "**For optical scan ballots that**
- 13 **do not contain a candidate's name, print: To vote for a person,**
- 14 **shade in the oval that precedes the number assigned to the**
- 15 **person's name in the proper column."**
- 16 Page 3, line 4, delete "spot" and insert "**location**".
- 17 Page 6, line 31, after "the ballot" insert ".".
- 18 Page 6, line 31, strike "if paper ballots or a ballot card voting".

- 1 Page 6, strike line 32.
- 2 Page 6, line 33, strike "used, in the first column or row."
- 3 Page 6, line 36, after "column" insert ".".
- 4 Page 6, line 36, strike "or row."
- 5 Page 7, line 6, delete "a" and insert **"an optical scan"**.
- 6 Page 7, between lines 31 and 32, begin a new paragraph and insert:
- 7 "SECTION 13. IC 3-10-4-2.3 IS ADDED TO THE INDIANA
- 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: **Sec. 2.3. (a) This section applies when a punch**
- 10 **card ballot is used.**
- 11 **(b) A chad must be printed immediately opposite the number**
- 12 **assigned to the names of the nominees for President and Vice**
- 13 **President of the United States for each political party or group of**
- 14 **petitioners as described in section 1(b)(4) of this chapter.**
- 15 **(c) The nominees for President and Vice President of the**
- 16 **United States must be grouped under the names of the offices in**
- 17 **the order established by IC 3-11-13-11.**
- 18 **(d) This section expires December 31, 2005."**
- 19 Page 8, between lines 15 and 16, begin a new paragraph and insert:
- 20 **"(c) This chapter does not apply to:**
- 21 **(1) a voting machine; or**
- 22 **(2) a punch card ballot voting system.**
- 23 **This subsection expires December 31, 2005."**
- 24 Page 17, between lines 12 and 13, begin a new paragraph and insert:
- 25 **"(p) This subsection applies to an optical scan ballot that does**
- 26 **not list:**
- 27 **(1) the names of political parties or candidates; or**
- 28 **(2) the text of public questions;**
- 29 **on the face of the ballot. The ballot must be prepared in**
- 30 **accordance with this section, except that the ballot must include**
- 31 **a numbered oval to refer to each political party, candidate, or**
- 32 **public question.**
- 33 **(q) This subsection:**
- 34 **(1) applies to a punch card ballot voting system; and**
- 35 **(2) expires December 31, 2005.**
- 36 **Except as otherwise provided in this chapter, a punch card ballot**

1 **must include a numbered box and chad in the locations and in the**
 2 **layout specified by this section for connectable arrows, ovals, or**
 3 **squares.**

4 SECTION 22. IC 3-11-13-31.7, AS AMENDED BY P.L.209-2003,
 5 SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply
 7 with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
 8 standards to define what constitutes a vote on an optical scan voting
 9 system.

10 (b) After receiving ballot cards, a voter shall, without leaving the
 11 room, go alone into one (1) of the booths or compartments that is
 12 unoccupied and indicate:

13 (1) the candidates for whom the voter desires to vote by punching
 14 a hole in or marking the **connectable arrows, ovals, or** squares
 15 immediately beside:

16 (A) the candidates' names; **or**

17 (B) **the numbers referring to the candidates;** and

18 (2) the voter's preference on each public question by punching a
 19 hole in or marking the **connectable arrow, oval, or** square beside:

20 (A) the word "yes" or "no" under the question; **or**

21 (B) **the number referring to the word "yes" or "no" on**
 22 **the ballot.**

23 (c) If an election is a general or municipal election and a voter
 24 desires to vote for all the candidates of one (1) political party or group
 25 of petitioners, the voter may punch a hole in or mark:

26 (1) the circle enclosing the device; ~~and beside the name under~~
 27 ~~which the candidates of the party or group of petitioners are~~
 28 ~~printed; or~~

29 (2) **the connectable arrow, oval, or square described in**
 30 **section 13 of this chapter;**

31 **that designates the candidates of that political party or group of**
 32 **petitioners.** The voter's vote shall then be counted for all the
 33 candidates ~~under of that name:~~ **political party or group of petitioners.**
 34 However, if the voter punches a hole in or marks the circle, **arrow,**
 35 **oval, or square** of an independent ticket comprised of two (2)
 36 candidates, the vote shall not be counted for any other independent

1 candidate on the ballot."

2 Page 21, between lines 4 and 5, begin a new paragraph and insert:

3 "SECTION 26. IC 3-11-14-23, AS AMENDED BY P.L.209-2003,
4 SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 23. (a) This section is enacted to comply with
6 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
7 standards to define what constitutes a vote on an electronic voting
8 system.

9 (b) If a voter is not challenged by a member of the precinct election
10 board, the voter may pass the railing to the side where an electronic
11 voting system is and into the voting booth. There the voter shall register
12 the voter's vote in secret by indicating:

13 (1) the candidates for whom the voter desires to vote by touching
14 a device on or in the squares immediately above the candidates'
15 names;

16 (2) if the voter intends to cast a write-in vote, a write-in vote by
17 touching a device on or in the square immediately below the
18 candidates' names and printing the name of the candidate in the
19 window provided for write-in voting; and

20 (3) the voter's preference on each public question by touching a
21 device above the word "yes" or "no" under the question.

22 (c) If an election is a general or municipal election and a voter
23 desires to vote for all the candidates of one (1) political party or group
24 of petitioners, the voter may cast a straight party ticket by touching that
25 party's device. The voter's vote shall then be counted for all the
26 candidates under that name. However, if the voter casts a vote by
27 touching the circle of an independent ticket comprised of two (2)
28 candidates, the vote shall not be counted for any other independent
29 candidate on the ballot.

30 (d) **After December 31, 2005**, as provided by 42 U.S.C. 15481, a
31 voter casting a ballot on an electronic voting system must be:

32 (1) permitted to verify in a private and an independent manner the
33 votes selected by the voter before the ballot is cast and counted;

34 (2) provided the opportunity to change the ballot or correct any
35 error in a private and independent manner before the ballot is cast
36 and counted, including the opportunity to receive a replacement
37 ballot if the voter is otherwise unable to change or correct the

1 ballot; and
2 (3) notified before the ballot is cast regarding the effect of casting
3 multiple votes for the office and provided an opportunity to
4 correct the ballot before the ballot is cast and counted."
5 Page 22, between lines 8 and 9, begin a new paragraph and insert:
6 **"(g) Subsections (b) through (e) expire December 31, 2005."**
7 Renumber all SECTIONS consecutively.
(Reference is to SB 411 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

Lawson C

Chairperson